

## **BURLINGTON CITY COUNCIL REGULAR SESSION SEPTEMBER 17, 2014**

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, September 17, 2014. Mayor Gene L. Merry called the meeting to order.

**double check on those present ROLL CALL:** ☒ Mayor Gene L. Merry

**Council Members present:**

|   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> William C. Scott (President of Council) | <input checked="" type="checkbox"/> Jane M. Griffith  | <input checked="" type="checkbox"/> Lewis Lenard    |
| <input checked="" type="checkbox"/> R. Standley Luke (Stan)                 | <input checked="" type="checkbox"/> Forrest T. Rhodes | <input checked="" type="checkbox"/> Jerilyn Curtiss |

**Superintendents Present:** ☒ Kevin Boyce (Parks) ☒ Alan Schneider (Electric)

|  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Doug Jones (Chief of Police) | <input checked="" type="checkbox"/> Doug Mast (Street) | <input checked="" type="checkbox"/> Danny Hawkins (Water/Wastewater) |
|--|--|--|

**Also Present:** ☒ Regina Kewley (City Clerk) ☒ Jimmy Hugunin (Zoning & Grants Clerk)

|   |  |
|---|--|
| <input checked="" type="checkbox"/> Thomas F. Robrahn (City Attorney) | <input checked="" type="checkbox"/> Susan Stroh (Administrative Assistant) |
|---|--|

☐ Dennis D. Roth (City Attorney)

**Media Present:** Mark Petterson (Coffey County Republican)

**VISITORS:** None

**AGENDA:** *Council Member Curtiss stated, "I move to approve the agenda as amended." Council Member Lenard, "I second the motion." Motion unanimously carried.*

**MINUTES: September 3, 2014:** *Council Member Scott, "I move to accept the Draft Minutes of Council's session of September 3, 2014 as presented." Council Member Luke, "Second." Motion unanimously carried.*

**APPOINTMENT: Mike Tweedy, WildBlue BBQ**

Mike Tweedy addressed Council on behalf of the WildBlue BBQ, "We have a lot more help for the WildBlue BBQ 2015 than we have had with just Lyon-Coffey Electric Coop's individual staff. Coffey Health Systems and Wolf Creek Nuclear Generating Station have signed on with us; so we get a whole bunch more staff, a whole bunch more people, and a whole bunch more help. It is really growing."

"We've given away tens of thousands of dollars over the last three years. We'd like to keep it going. We average between 40 and 45 contestant teams that come in and put about 3,000 people in the park that weekend. This year is the first year we sold food at the event. It is a contest for the contestants, and a fundraiser event for us. Every dime goes right to the scholarship fund for Coffey County Seniors, the way it's been in the past. That is going to get overhauled a little. Gene (Mayor Merry) is helping us work on that, along with Wolf Creek Staff and Coffey Health Systems."

Mr. Tweedy continued, "The real reason I'm here this evening is to see if it would be possible for us to have the entire park (Kelley Park) on, I think, July 17th and 18th in 2015; but if it changes, I'd like to be able to change that. We will get with the Rec Center, one thing and another. This last year, we auctioned off hot-air balloon rides. The Sheriff's Department donated the funds to bring two balloons in so rides could be auctioned off, and the proceeds went directly to the scholarship fund. Nobody got paid anything, and it brought in several hundred dollars."

"We would like to maybe do it bigger next year; so we need the ball diamonds - maybe all of the grass on the south side. In the past, we've pretty much just used Kelley Park - the Stadium north; and it's going to get bigger. Wolf Creek officials, Lyon-Coffey Electric officials, City officials, and Coffey Health System met about two weeks ago; and they think they want to try 60 contestant teams this year (2015), seventy-one next year (2016) because we have the staff and the ability to do it. It's a lot of work. Sonic's going to have to deliver more food. When we pick up the trash, we saw Hoovers' sacks like you would not believe, and Sonic sacks. It really is a great event and is well attended. We want you there. We've asked for help and people have been generous enough to give us some help."

Mr. Tweedy told Council that if reserving all of Kelley Park for the WildBlue BBQ 2015 in July is not an option, they'll ask for something else; but they would like to apply for the entire park. He explained, "This year we had two balloons and they had to be 700 feet apart to launch. So, if we do four balloons, it would take a lot of space." Council Member Luke thought that basically is why they need the ball diamonds. Mr. Tweedy said it was, but the powers that be may want to have a softball tournament that afternoon; if they've got the help, they are going to run with it. He said, "We won't use the park for anything we shouldn't; there will never be alcohol, tobacco, or beer because of the scholarship fund; so there wouldn't be a beer garden, for example."

Council Member Curtiss inquired, "Is this something you will need to correspond with the Recreation Commission?" Mr. Tweedy, "No." Council Member Curtiss asked, "Does the Rec have things going on then?" Mr. Tweedy, "We can work around them, with Scot Jeffers. We got in early enough this year when we had commitments for the balloons, Scot had nothing going on; and I'll guarantee you nothing will be going on." It was verified there would be nothing going on in Kelley Park at that time. Mayor Merry stated, "By January, they will be scheduling things for the summer, so I think it's a good idea to go ahead and reserve those days for this

**[2] CONTINUATION: September 17, 2014 Burlington City Council Meeting**

and lock it up." Superintendent Boyce asked when our contract usually comes from the Fair Board. City Clerk Kewley answered, "We have not got a contract yet for 2015, so it is open. They give us a yearly contract." Mayor Merry, "They've got two weeks." Mr. Tweedy, "We don't interfere with that in any way. We try to kick it off so just about the Sunday before the Fair, we are cleaning the park up - and we are pretty diligent about getting the park cleaned up as best we can."

City Clerk Kewley, "Are you going to need Kelley Hall?" Mr. Tweedy answered, "Yes." He added, "We will always be the week before the Coffey County Fair. We don't want to interfere with the Fair in any way- that's not our goal. We just want to make the event bigger and better." Council Member Luke, "They are trying to set what they are going to do next year right now in October and November. I have no issue with expanding, as long as it doesn't interfere with the school and the Rec Department and their deals. As long as that can be worked out, and it doesn't interfere with the Fair."

**Council Member Lenard stated, "I move we go ahead and approve the use of Kelley Park for the WildBlue BBQ 2015 for July 17 and 18, contingent with them working with USD #244 Recreation Center and the City departments." Council Member Curtiss, "I second the motion." Mayor Merry called for discussion. Hearing none, he called for a vote. Motion unanimously carried.**

Mr. Tweedy inquired, "You talked about a long-term contract with the Fair Association. Should the WildBlue BBQ look into a long-term contract?" Mayor Merry explained, "When it comes to the 4-H Building and things like that, they have first priority for whatever their needs are - projects, talks, or whatever. The only other long-term reservation we have done is for the Chinchilla Shows to give them time to advertise. I don't think it is really necessary." Mr. Tweedy, "Alright, thank you." He told Clerk Kewley he'd come in to do the paperwork.

**APPOINTMENT: Sean Gordon, Mize Houser & Company: Present 2013 Audit**

Sean Gordon addressed Council, "I was the auditor in charge of the City's 2013 Audit this year. I am here to go over the audit with you and answer any questions you might have. The Independent Auditor's Report, is the standard report that we did the audit as required by both the United States and the State of Kansas. The most important statement in that is the opinion paragraph. This year we issued an unmodified opinion on the City's financial statement, which is the cleanest and highest opinion we are allowed to give under state and federal law. This opinion reflects very positively on the current financial management of the City."

He provided a summary of various pages of the report, and explained, "The final part of the Financial Statements is the governmental audit section (Schedule of Expenditure of Federal Awards). Whenever a city spends over \$500,000 in federal awards, they're subject to a special audit. For 2013, we audited the grant Burlington received for the sewer project (Water & Waste Disposal Systems for Rural Communities for \$1,263,244). For this grant, we also issued an unmodified opinion, which again is the best opinion the City could receive."

Mr. Gordon stated, "In closing, I'd just like to thank Gina and her Staff. They've done great, as they always have. If you have any questions, just let me know." Hearing no questions, Mayor Merry thanked Mr. Gordon.

Council Member Scott thanked and complimented City Clerk Kewley and her staff. City Clerk Kewley, "I am fortunate to have a good staff."

**PUBLIC COMMENTS: None**

**ELECTRIC DEPARTMENT: Distribution Updates**

**General:** Superintendent Schneider reported distribution personnel have been doing normal duties including work orders, lots of locates, and customer requests. They removed a customer service to 7th and Potomac at the request of the Coffey County Housing Authority. Superintendent Schneider stated, "We've been installing meters and reading meters. I want to thank Norman Foster (Water/Wastewater Foreman). He spent a day with us operating the backhoe. It just wasn't safe for us to do it ourselves with the way the grade was down south. He helped us out tremendously."

**Power Outage:** Crews have only worked one outage since last Council. It was in the southwest part of town.

**ELECTRIC DEPARTMENT: Power Plant/Production Update**

**General:** Power Plant personnel are doing daily duties, general Power Plant maintenance, and required reports.

**Generator #4 - AMOT Valves:** Personnel have been working on the AMOT valves on the #4 Generator.

**New Employee:** Superintendent Schneider reported Bryson Olson started work last Monday and is fitting in well.

**WATER DEPARTMENT: Distribution Update**

**General:** Superintendent Hawkins reported personnel have been doing normal duties, including a lot of line locates. They also repaired a few non-major water leaks.

**Waterline Replacement Project - Cleanup:** Superintendent Hawkins reported they have been concentrating on cleanup on Yuba Street. They tilled and seeded and cleaned up from 6th Street to 9th Street. He said, "We understand that we leveled, tilled, and seeded; but we want to let people know that when it rains, it is going to settle; so, they're more than welcome to call us if they have issues. We just wanted to go into the season with it looking nicer than what we left it. We packed it down, but it will settle."

**[3] CONTINUATION: September 17, 2014 Burlington City Council Meeting**

**Waterline Replacement Project - St. Lawrence Street:** Superintendent Hawkins is pleased with the contractor's (Riley Equipment Contracting) progress and performance on St. Lawrence Street. Today, they got in over 100 feet of waterline. Tomorrow, we have two crossings, two services, and a tie-in to do. It is moving along very well."

**WATER DEPARTMENT: Water Production Update**

**Water Drought Emergency-Warning (update):** Superintendent Hawkins reported the Water Plant has been running well, and provided the Drought Water Emergency Update that will be published on September 19th: **Rain in County:** No rain in past 7 days; **Rain Forecast:** 40% to 70% chance of rain in next few days; **Pumped:** Since in past 7 days pumped 3,745,000 gallons of water; **Daily Average:** 535,000 gallons; **Outlook:** No new Restrictions.

**STREET DEPARTMENT: Update**

**General:** Superintendent Mast reported that the Street Department has been doing a lot of cleanup work - things they had not had time to do while doing larger projects: cleaning ditches, installing culverts, working on signs, and servicing equipment. They also removed the guard rail behind City Hall, as requested.

**New Dump Truck Received and Grinding Streets:** The Street Department received the new dump truck, and everything looks good on it. They have been getting everything ready for next week when the County is expected to come in and start grinding on 9th Street from Neosho to Alleghany and on LaMoille from 4th to 5th, and putting recycled asphalt in with that and grinding it in.

**Personnel Evaluation - Daniel Myers:** Superintendent Mast informed Council it is time for Daniel Myers' first annual evaluation; and that he is doing alright. ***Council Member Luke stated, "I move to approve the annual personnel evaluation for Daniel Myers." Council Member Curtiss, "Second." Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried.***

**POLICE DEPARTMENT: Update**

**OK Kids:** Chief Jones reported it has been normal calls for the Police Department. They had a perfect weekend for the OK Kids event on September 6th and 7th. Even with LeRoy Home Coming having been at the same time, OK Kids has a good turnout. Chief Jones stated, "We've been given to understand that there will be some changes on LeRoy's side so that won't be an issue in the future. We still had a good turnout. As an example, we gave out over 630 wristbands to kids ages 12 and under - and ran out of wristbands. That does not count the teenagers, parents, grandparents, aunts, and uncles; so we had a real good turnout."

**Police Building Construction - update:** Sheetrock is hung in the new Police Department building and it is coming along nicely.

**Nuisances - Structures:** Chief Jones said these will be discussed later in the meeting.

**PARKS DEPARTMENT: Update**

**General:** Parks personnel have been doing normal duties, cleaning public restrooms and buildings, including mowing, watering trees and flowers, and equipment maintenance as needed.

**Kelley Park - Tree Trimming:** Last week, personnel did some tree trimming in Kelley Park.

**Jones Park:** The Recreation Center's help ran out of time, so Parks personnel have been working to finish painting the bathrooms at Jones Park.

**Dirt Work:** Parks personnel are doing dirt work and getting ready for grass seeding.

**FINANCE: Decision Making Authority - Building Restoration Loan Program (Revised)**

City Clerk Kewley reported the Decision Making Authority met on September 8th. All Board members were present: Stan Luke (Chairman/City Council Member), Dale Rein (Local Financial Institution), Gene L. Merry (Mayor), Lisa Garrett (Burlington Representative), Polly Epting (Chamber of Commerce), and Regina R. Kewley (Burlington City Clerk/DMA Secretary).

The Board went over outstanding loans, account balances, and funds. Changes to the City's Building Restoration Loan Program were discussed and unanimously approved by the DMA Board to make the Building Restoration Loan Program a better tool for businesses in Burlington to upgrade their buildings, while putting an emphasis on energy efficiency.

The Board agreed to increase the amount of the Building Restoration Fund from \$50,000 to a maximum of \$60,000 annually. Also, instead of offering only one loan, two will be offered. The current 2-year loan of up to \$5,000 will remain the same and is to be secured by a Promissory Note. The second loan to be offered will be a 5-year loan for above \$5,000 but no more than \$10,000, secured by a Subordinate Mortgage. Like the 2-year loan, the new loan will be interest free for the first year, and thereafter will be 1 point below prime or 0%, whichever is greater, adjusted annually; with the first payment due six months after the contract date and at 6 month intervals thereafter throughout the life of the loan. As previously mentioned, the Board also added an emphasis on energy efficiency as a condition of the Building Restoration Loans. (continued)

**[4] CONTINUATION: September 17, 2014 Burlington City Council Meeting**

**Council Member Luke made the motion, "I move to accept the recommendations of the Decision Making Authority for revisions to the Building Restoration Loan Program and the Building Restoration Loan Application forms, as presented." Council Member Lenard, "Second." Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried.**

**FINANCE: Claims Ordinance & Payroll Ordinance**

|    |                   |         |              |
|----|-------------------|---------|--------------|
| a. | Claims Ordinance  | 2014-17 | \$539,666.69 |
| b. | Payroll Ordinance | 2014-19 | \$ 74,695.44 |
|    | TOTAL             |         | \$614,362.13 |

**CLAIMS 2014-17: Council Member Luke, "I move City of Burlington pay Claims Ordinance 2014-17 in the amount of \$539,666.69 for payment of city bills." Council Member Curtiss, "Second." Mayor Merry called for discussion. City Clerk Kewley explained, "In the warrants ordinance tonight, we are paying \$270,432.68 to Kansas Power Pool; \$50,000 to Abendroth Builders for the Police Building Construction Project; \$80,925 to Landis+Gyr for the AMI Project; and \$38,907.94 to Reed Company, LLC for the bed, hoist, and plow for the Street Department's new Dump Truck." Hearing no further discussion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Merry declared Claims Ordinance 2014-17 approved by vote of 6:0.**

**PAYROLL 2014-19: Council Member Scott stated, "I move City of Burlington pay Payroll Ordinance 2014-19 in the amount of \$74,695.44." Council Member Rhodes, "I Second it." Hearing no discussion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Merry declared Payroll Ordinance 2014-19 approved by a vote of 6:0.**

**PLANNING & ZONING: Update**

**City-wide Fall Clean-up:** Zoning Clerk Hugunin informed Council that Burlington's Fall Clean-up has been scheduled. Residents should have brush only out by the curb by 7:00 a.m. on Monday, October 6. In conjunction with Coffey County Landfill's free dumping, residents should have trash/junk curbside by 7:00 a.m. on Monday, October 13th for City crews to pick up. Coffey County Landfill will be open the week of October 13th, Monday through Saturday, for free dumping. Flyers will be available at City Hall, and information will be on the city's website and Facebook.

**Comprehensive Plan Update:** Zoning Clerk Hugunin reported he is working with Bickley Foster, Foster & Associates, to get Burlington's Comprehensive Plan updated. Bickley Foster will be here next Wednesday afternoon.

**Burlington Planning Commission as BZA:** Zoning Clerk Hugunin reported the Burlington Planning Commission will meet as the Board of Zoning Appeals on next Thursday, September 25, at City Hall for a variance. They will discuss Zoning Case BZA-V-2014-001, for Shane Fejfar, 1310 Penobscot.

**General:** Zoning Clerk Hugunin is working on permits, updating the webpage and Facebook, and is working on a grant for solar lights for the Oak Park Walking Trail.

**OTHER COUNCIL BUSINESS: Kansas Water Office - John Redmond Dredging**

Per a letter received from the Kansas Water Office, anyone interested in looking at the Final Programmatic Environmental Impact Statement (FPEIS) for Removal and Disposal of Sediment and Restoration of Water Storage at John Redmond Reservoir can go to [www.kwo.org/projects\\_programs/JohnRedmondDredging.html](http://www.kwo.org/projects_programs/JohnRedmondDredging.html). Mayor Merry commented that starting the project has been backed up to spring of 2015. There was discussion about where the sludge would be piled. Mayor Merry said he and Water Superintendent Hawkins were concerned about all that mud in the river and what it might do to the Water Treatment Plant. Superintendent Hawkins stated, "The main thing we're looking at is how is it going to affect the water treatment process downstream. Their five-year plan is to remove 600,000 cubic feet of sludge and dump it in a couple of sites; but over the course of thirty years, we'll see where that goes. They want to deposit sludge on 2,500 acres. It will be interesting to watch it."

**RESOLUTIONS 2014-04 THROUGH 2014-18 for Condemnation and Demolition of Structures**

Mayor Merry read the list of proposed resolutions and respective properties, prior to requesting a motion to approve the resolutions.

**Council Member Luke made the following motion: "I move to approve Resolutions 2014-04 through 2014-18, as listed below, to condemn the respective properties as dangerous and unfit." (Note: All resolutions are listed later with approved motion.) Council Member Curtiss stated, "I second the motion."**

**Mayor Merry called for discussion on the motion.** Council Member Griffith inquired, "How long do they have to act?" Chief Jones explained, "We will publish it in the newspaper twice, which will be next Tuesday and again the following Tuesday (September 23rd and 30th); then we have to give 30 days between the time of the second publication before we can hold the public hearing, which is basically the month of October. We are scheduled for the public hearings at the November 5th meeting of Council; and at that time the property owners will have the opportunity to show whether they have made progress in fixing their structures and want off the list, or whether they don't feel they deserve to be on the list, or for whatever reason, they are entitled to come here and present their case to the Governing Body; and at that time, the Governing Body will make the decision as what we do at that point - whether we stop action on that property, or whether we proceed with it. I have been telling people quite frankly that places are going on the list because we are going to see something get done. I am not taking good intentions; I'm not taking promises. If you want to get off this list, you show me something."

(continued)

***[5] CONTINUATION: September 17, 2014 Burlington City Council Meeting***

Chief Jones explained that each of the property owners will receive the information by certified mail. A summary of the resolutions will be in the newspaper. The resolutions and pertinent information will also be available on our website (burlingtonkansas.gov). Council Member Curtiss, "Have they already gotten this letter?" Chief Jones replied, "They have not because we just got the letter finalized within the last couple of days with the help of Susan (Administrative Assistant Stroh) and working with Tom (City Attorney). Not everybody is going to be eligible. Tom drafted up what the conditions letter of what the Demolition Deed to City of Burlington is, and he drafted a master Real Estate Purchase Agreement for the Demolition Deed."

Chief Jones explained, "Some of these places will be eligible to just simply sign the property over to the City, and then the City assumes responsibility. There will be a few of these places that will not be eligible for whatever reason. For example, if the structure is on their property where they have their primary residence there as well, but it's not the one we're looking at; or they owe back taxes or there is a lien on the property, or something like that. Tom listed a number of conditions in his letter that explain what they can and can't do to be eligible to do the Demolition Deed." [Tom's list was: 1) You must have a clean marketable title to the real estate in your name. 2) No boundary line disputes or easement disputes can be pending. 3) No liens or mortgages can exist. 4) No taxes or assessments can be outstanding against the property. 5) No hazardous materials can exist on the property.]

**Hearing no further discussion, Mayor Merry called for a vote on the motion which was:**

***Council Member Luke made the following motion: "I move to approve Resolutions 2014-04 through 2014-18, as listed below, to condemn the respective properties as dangerous and unfit."***

***Resolution 2014-04, Condemnation & Demolition of Structure(s) at 218 N. 11th Street***

***Resolution 2014-05, Condemnation & Demolition of Structure(s) at 200 S 2nd Street***

***Resolution 2014-06, Condemnation & Demolition of Structure(s) at 1411 St. Lawrence Street***

***Resolution 2014-07, Condemnation & Demolition of Structure(s) at 1022 Hudson Street***

***Resolution 2014-08, Condemnation & Demolition of Structure(s) at 716 Yuba Street***

***Resolution 2014-09, Condemnation & Demolition of Structure(s) at 606 Hudson Street***

***Resolution 2014-10, Condemnation & Demolition of Structure(s) at 504 S 9<sup>th</sup> Street***

***Resolution 2014-11, Condemnation & Demolition of Structure(s) at 718 S 5th. Street***

***Resolution 2014-12, Condemnation & Demolition of Structure(s) at 812 Des Moines Street***

***Resolution 2014-13, Condemnation & Demolition of Structure(s) at 301 N 12<sup>th</sup> Street***

***Resolution 2014-14, Condemnation & Demolition of Structure(s) at 1413 Niagara Street***

***Resolution 2014-15, Condemnation & Demolition of Structure(s) at 1117 Cumberland***

***Resolution 2014-16, Condemnation & Demolition of Structure(s) at 816 Alleghany Street***

***Resolution 2014-17, Condemnation & Demolition of Structure(s) at 928 Des Moines.***

***Resolution 2014-18, Condemnation & Demolition of Structure(s) at 211 Neosho Street***

***Council Member Curtiss stated, "I second the motion."***

***Mayor Merry declared the motion passed by a vote of 6:0 and Resolutions 2014-04 through 2014-18 approved.***

**LEGAL DEPARTMENT: Update**

**Nuisance Structure Demolition:** City Attorney Robrahn stated, "As Doug was just talking about, I prepared this letter that would give the property owners the option of a Demolition Deed. I have five basic expectations we would need to have before we could even look at accepting such an agreement; and to make sure, because I'm not a bonded abstractor, I thought we should have our local abstract office (Coffey County Land & Title/Polly Epting,) do a certificate of title if we think by first appearance they might be eligible, to make sure they don't have some kind of a mortgage, lien, or owe back taxes on the property. I don't know how we can arrive at hazardous materials, but maybe the Chief and I can take a look at that, but it's something an abstract office couldn't really do."

Council Member Griffith asked, "Tom, if they don't have a clear deed - some of these houses, if they're owned by mortgage companies, what happens to them?" Attorney Robrahn answered, "I don't think we're going to be able to qualify them. Some of them could be a large mortgage or a large bank." Council Member Griffith, "We won't have any alternative?" Chief Jones explained, "Jane, we would still demolish the property; the owner would receive a bill, and if the owner does not pay it, it will be assessed against their tax roll. It's just that they wouldn't qualify for this particular program. The condemnation of the property will still go ahead." Council Member Griffith, "Okay." Attorney Robrahn added, "That option wouldn't be available then. I don't think the bank would probably be.... Some of those big banks are real hard to communicate with." He added, "I did want to point out, too, that if they do want to do this, I prepared a fill-in-the-blank type of contract, and it is an agreement of what we would do and what we expect them to do."

Mayor Merry asked, "If we had a Sheriff's Sale and there is a state tax lien or a federal tax lien against the property, would this clear that and the demolition process?" Attorney Robrahn replied, "If it's the federal or state

**[6] CONTINUATION: September 17, 2014 Burlington City Council Meeting**

or whoever, we would also have to name that in the suit before that to get cleared up." Mayor Merry wondered because, "Gibson's had both a federal and a state tax claim, they had a year to come back in to take action on that, or buy the property back, or whatever. Typically, you don't take action, but you still have to notify them?" Attorney Robrahn, "But we still have to notify them." Mayor Merry, "The only other thing that might come up would be back property tax. It would behoove them to pay that if it was \$200 or a small amount, and you got the property cleared off, and then the deed (Demolition Deed) - sold it, and they would get excess over the expenses."

Council Member Lenard commented, "The expenses will include any title work and anything else?" Attorney Robrahn, "Any expenses we have incurred will be paid first before any overage could be paid to the property owner." Mayor Merry, "A review of the title is how much?" Attorney Robrahn, who had talked to Polly Epting, replied, "About \$150." Mayor Merry and Attorney Robrahn thought a title search was well worth the money. It will verify who the property owner is and whether there are any liens or encumbrances against the property.

Council Member Lenard asked a hypothetical question, "Say, I am a property owner on this list - and I agree with this - but I'm going to ask, how will the City set the selling price? Maybe there's somebody expecting a return, maybe?" Mayor Merry, "I think if there's enough market value." Chief Jones stated, "I think Tom actually addresses that in his cover letter when he references selling on the open market, whatever the selling price is." Council Member Lenard, "We've been going half of the appraised value." He was told by several persons, that is when we sell commercial or industrial property. Council Member Griffith asked, "Would you do auction?" Mayor Merry, "No. I think on this we would sell them straight up at market value. We know basically what lots are selling for."

Council Member Scott asked, "Do people still live in these houses?" Chief Jones replied, "There is one place that is still occupied; and we've also got DCF, the old SRS, involved in this process as well. That's one of the properties that may come off if they make sufficient progress." Mayor Merry, "My main concern was somebody just ditching it; but we need to get this list to the public as soon as possible so that they know they are not a pig-in-the-poke." Council Member Scott, "I was concerned about somebody living in the house and that we're not going to throw somebody out in the street." Chief Jones, "The thickest folder in front of you is the one that's occupied."

**CITY CLERK'S OFFICE: Update**

**General:** City Hall Staff have been preparing for utility meter reading, handling calls and inquiries, handling work orders, and preparing meeting minutes, reports, vouchers for paying bills, and payroll.

**Decision Making Authority:** City Clerk Kewley prepared for and attended the DMA meeting on September 8 to review outstanding loans and to discuss making changes to the Building Restoration Loan Program.

**LKM Report:** City Clerk Kewley completed the League of Kansas Municipalities' Salary and Revenues Report, which is done every two to three years. In return for participating, the City will get a copy back from the League with the salary and revenue data gathered from other cities throughout the State of Kansas.

**Financial Software Meetings/Presentations:** City Clerk Kewley stated, "Next week we will have two financial software companies meet with us at 303 Neosho to do a demonstration and presentation to the City Hall Staff on their respective software. On Tuesday, Data Tech will do their presentation. Computer Information Concepts, Inc. (CIC) will be here Wednesday. Both presentations will be from 9 a.m. to Noon, so it will be necessary to close City Hall from 9 a.m. to 1 p.m. on both days, with the Staff taking lunch break from noon to 1 o'clock. The presentations and discussions will probably continue after lunch because they are going to do some one-on-one for each aspect of the program: court, payroll, utilities, etc. On Wednesday for the CIC presentation, we will also be hosting the City of Garnett and the City of Humboldt."

City Clerk Kewley explained, "There are fifty-two cities that are in the same predicament as we are with looking for a new financial software company." She explained that on the 2nd of July, she presented the information that Thompson Reuters, our current financial program provider, sent letters out to all the cities they work with to inform them they are going to sunset their services to cities as of December 31, 2015, although they will still serve counties and states.

City Clerk Kewley stated, "We have until December 31st of 2015, but I would like to see if we can implement new software at the first of 2015. Talking with the software companies, it's good to roll into it the first of the year - dealing with the state reports and our reports; and that's where I'm headed. I also want to bring in a third company, Incode, for a demonstration and presentation. That is our timeline "

City Clerk Kewley continued, "At this time, I don't know what the cost will be. I think we've been pretty lucky with Thompson Reuters with their pricing; but we've had some issues with customer service - you pay for what you get." Mayor Merry asked, "You're doing RFP (Request for Proposal) from three companies, then?" City Clerk Kewley, "Yes, but I want to look at this as what is best for the city as a whole. You pay for what you get; and what we really need is customer service, which is a key factor for us. We do have a lot of City Clerk's communicating about this on ListServe, because we're all going through the same thing.."

**LKM Annual Conference:** City Clerk Kewley said she had handed out the information on the League of Kansas Municipalities Annual Conference scheduled for October 11-13, in Wichita.

**MAYOR'S COMMENTS:** None

*[7] CONTINUATION: September 17, 2014 Burlington City Council Meeting*

**FUTURE AGENDA ITEMS:**

|   |   |
|---|---|
| <b>GENERAL</b> City Debt – How to fund projects<br>City Code Re-codification<br>Service/Allied Waste Agreement Renewal<br>Mayor’s Volunteer Program<br>Cyber Security -- KPP System Test/Training   | GAAP – Infrastructure Capitalization<br>Actuaries – GASB-45<br>Downtown Loan Program - revamp<br>Financial Program Software                               |
| <b>ELECTRIC DEPARTMENT:</b> GIS system<br>Emissions Standards Compliance/EPA<br>KPP Fall Planning Retreat 9/26/2014   | Automatic Meter Infrastructure for Electric & Water (AMI)<br>Natural Gas  |
| <b>PARKS DEPARTMENT:</b> Fair Board’s new Building<br>Fall Festival 2014 and<br>UHCA Event in Kelley Park - October 2014 (Jim Ochs)<br>WildBlue BBQ and Taste of Fall Festival 2015<br>Caboose Park & Veterans Park - Sod Replacement Project | City Dam West Wall Project (sidewalk/steps, etc.)<br>Hazard Tree Removal<br>Responsibilities for Kelley Park Use<br>LED Solar Lighting for Walking Trail  |
| <b>LEGAL DEPARTMENT:</b> Municipal Court<br>Property Demolition Deeds/Agreements/etc.   | McBride's Hay Lease - update  |
| <b>PLANNING AND ZONING</b> Quarterly Construction Valuation Report<br>Comprehensive Development Plan – Update<br>Industrial Park Lots<br>MT Wireless/MT Networks Relocation to N 4th St.  | Work w/Chief on Nuisance Structure regulations<br>Zoning Inquiries<br>Wal-Mart Express in Commerce Park<br>Grant for LED Solar Lighting for Walking Trail |
| <b>POLICE DEPARTMENT</b> Nuisance Updates<br>New PD Building-Construction Update<br>Nuisance Structures Demolition - Update   | Personnel – Training Updates<br>Nuisance- 211 Neosho (Chandler) and at 6th & Yuba (Trailers)  |
| <b>STREET DEPARTMENT:</b> Heather Street - Concrete Panels<br>Sidewalk Replacement Repairs on City Rights-of-Way  | Rebuild/Repair Kennedy Street and 14 <sup>th</sup> Street<br>Pavement Management System/Asset Management System   |
| <b>WATER &amp; WASTEWATER DEPARTMENT:</b><br>Neosho Riverbank Stabilization<br>Water Plant Improvements–Efficiency<br>John Redmond Reservoir – Dredging   | Southwest Sewer Project<br>Waterline Replacement Project<br>Water Emergency - Warning (Update)<br>Water Pressure Study<br>SCADA System                    |

Mayor Merry declared the meeting adjourned.

*Approved by the Governing Body and signed by Regina R. Kewley, City Clerk*